IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.13490 of 2006

DATE OF DECISION: August 30, 2006

Preeti Bagotia and others

….Petitioners

VERSUS

The State Admission Committee and others

…..Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S.BHALLA

PRESENT: Shri Rajiv Atma Ram, Senior Advocate with
Shri Hemraj Mittal, Advocate for the petitioners.
Shri Ashok Aggarwal, Additional Advocate General,
Haryana for respondent No.1.
Shri Ajay Jain, Advocate for respondent No.2.
Ms.Anju Arora, Advocate for respondent No.3.

Viney Mittal,J.(Oral).

Separate written statements on behalf of respondents No.1,2 and 3 have been filed. The same are taken on record. Copies of the written statements have been supplied to the learned counsel for the petitioners.

In the written statement filed by respondent No.1, it has been maintained that a communication dated August 5,2006 was received by the Financial Commissioner & Principal Secretary to Govt. Haryana, Health & Medical Education Department-cum-Member Secretary, State Admission Committee from the President of Association of Self-Financing Medical Colleges of Haryana bringing it to the notice of the authorities that the entire list of the candidates

who had qualified the entrance examination (HMDAT-2006) have been exhausted and 122 seats in BDS were still lying vacant. In these circumstances, permission has been sought by the Association that since sufficient eligible candidates of HMDAT-2006 were not available, therefore, in terms of the permission granted by the State Admission Committee as contained in the prospectus for HMDAT-2006, the Association/Members of the Association be allowed to fill up the seats on the basis of merit of qualifying examination, as per the provisions and guide-lines issued by the Dental Council of India. The aforesaid communication was replied by the Financial Commissioner and Principal Secretary cum Member Secretary, State Admission Committee through a communication dated August 17, 2006 with the following directions:

> "The State Admission Committee has considered your request to allow the Association to fill up remaining/ left out/lapsed seats in the Private Unaided Dental Colleges on the basis of merit from the candidates who have qualified HMDAT –2006 and on the basis of merit of qualifying examination if sufficient eligible candidate of HMDAT-2006 are not available.
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> In this context your attention is drawn to clause (d) of conditions for Admission to Bachelor of Dental Surgery course and clause (b) under the heading "Selection of Students" of DCI Regulations read together. Keeping in view various court judgment and also the MCI/DCI

regulations, the State Admission Committee has decided that the remaining/left out/lapsed seats shall be filled up from the merit list of qualified candidates of HMDAT-2006 and All India Entrance Test conducted by CBSE and State Entrance Test/PMT conducted by the State Agency."

The aforesaid communication dated August 17, 2006 has been appended as Annexure R.2 with the written statement of respondent No.1.

Shri Ashok Jindal, the learned Additional Advocate General, Haryana appearing for respondent No.1 has stated that admissions to the unfilled seats are now being conducted by the private college, respondent No.3 in terms of the directions issued by the State Admission Committee through order dated August 17, 2006 (Annexure R.2).

Faced with the aforesaid difficulty, Shri Rajiv Atma Ram, the learned senior counsel appearing for the petitioners wishes to withdraw the present petition with a liberty to the petitioners to challenge the aforesaid directions issued by the State Admission Committee by filing a fresh petition.

Dismissed as withdrawn with liberty, as aforesaid.

(Viney Mittal)
Judge

August 30,2006
KD

(H.S. Bhalla)
Judge